

ORIGINAL

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 5577

AN ORDINANCE amending Bellevue City Code Section 9.16.040, adding a new Section 9.16.050 and numbering former Sections 9.16.050 and 9.16.060 to 9.16.060 and 9.16.070 respectively relating to false alarm fees charged by the City.

WHEREAS, there continues to be an increase in the numbers of false alarms from residences and commercial establishments; and

WHEREAS, the City's costs in police response to multiple false alarms continue to rise, and exceed revenues received from false alarm fees; and

WHEREAS, the false alarm fees charged by the City for multiple false alarms need to be raised to stimulate compliance and reduction in excessive false alarms, to reduce the disparity between existing low fees and City response costs, and to reduce the impact of noise from false alarms on neighborhoods; and

WHEREAS, interest assessed on false alarm fees will further encourage timely payment of fees owed; now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Bellevue City Code Section 9.16.040 is amended as follows:

9.16.040 Fees, corrective action, disconnection.

For police response to any false alarm, the city shall charge and collect from the person having or maintaining such burglary and/or robbery alarm on premises owned or occupied by him fees as follows:

A. For a response to premises at which no other false alarm has occurred within the preceding six-month period, hereinafter referred to as a "first response," no fee shall be charged. Upon first response, notice of conditions and requirements of this chapter shall be given to the owner or occupant of the premises on which the false alarm occurred and upon which the burglary and/or robbery alarm is located.

B. For a second response to premises within six months after the first response a fee of \$75.00 shall be charged. The person having or maintaining such burglary and/or robbery alarm shall, within five working days after notice to do so, make a written report to the chief of police on prescribed forms setting forth the cause of such false alarm, the corrective action taken, whether and when such alarm has been inspected by authorized service personnel, and such other information as

the chief of police may reasonably require to determine the cause of such false alarm, any mitigating circumstances and corrective action necessary. The chief of police may direct the person having or maintaining such burglary and/or robbery alarm to have authorized service personnel inspect the alarm at such premises and to take other corrective action as prescribed by the chief of police. All costs of inspection and corrective action shall be borne by the individual having or maintaining the alarm on said premises.

C. For a third response to premises within six months after a second response, a fee of \$100.00 shall be charged, and if such third false alarm or any such succeeding false alarm occurs as a result of failure to take necessary corrective action prescribed under subsection B of this section, the chief of police may order the person having or maintaining the burglary and/or robbery alarm to disconnect such alarm until the prescribed corrective action is taken and certification of such corrective action is provided to the police department, provided that no disconnection shall be ordered relative to any premises required by law to have an alarm system in operation.

D. For a fourth response to premises within six months after the third response, a fee of \$125.00 shall be charged, and if such third false alarm or any such succeeding false alarm occurs as a result of failure to take necessary corrective action prescribed under subsection B of this section, the chief of police may order the person having or maintaining the burglary and/or robbery alarm to disconnect such alarm until the prescribed corrective action is taken and certification of such corrective action is provided to the police department, provided that no disconnection shall be ordered relative to any premises required by law to have an alarm system in operation.

E. For a fifth response to premises within six months after a fourth response, a fee of \$150.00 shall be charged. The chief of police may also order disconnection as provided in subsection C of this section.

F. For a sixth response to premises within six months after a fifth response, a fee of \$200.00 shall be charged. The chief of police may also order disconnection as provided in subsection C of this section.

G. For a seventh response to premises within six months after a sixth response, and for all succeeding responses within six months of the last response, a fee of \$250.00 shall be charged. The chief of police may also order disconnection as provided in subsection C of this section.

Section 2. A new Bellevue City Code Section 9.16.050 is added as follows:

9.16.050 Interest Charged on Late Fees

If payment of any fee due under this Chapter is not received by the City of Bellevue Finance Department by the due date, the City shall add simple interest to the outstanding balance due. For the purposes of this section, the rate of interest to be charged shall be an average of the federal short-term rate as defined in 26. U.S.C. Sec. 1274(d) plus two percentage points. The rate shall be computed by taking an arithmetical average to the nearest percentage point of the federal short-term rate, compounded annually. That average shall be calculated using the rates from four months: January, April, and July of the calendar year immediately preceding the new year, and October of the previous preceding year. The rate shall be adjusted on the first day of January of each year for use in computing interest for that calendar year.

Section 3. Bellevue Code Section 9.16.050 is renumbered as follows:

9.16.060 Administrative decisions, notice.

Notice of imposition of any administrative sanction, including the imposition of a fee or order of disconnection, under the provisions of this chapter, shall be given to the person having or maintaining a burglary and/or robbery alarm on premises owned or occupied by him, provided that with respect to business premises, the owner, manager or chief administrative agent regularly assigned and employed on the premises at the time of the occurrence of a false alarm shall be presumed to be the person having or maintaining said alarm on said business premises.

Section 4. Bellevue Code Section 9.16.060 is renumbered as follows:

9.16.070 Appeal from administrative decision, finality.

Any person subject to the imposition of a fee, order of disconnection or other administrative sanction under the terms of this chapter shall have a right of appeal therefrom to the city hearing examiner. Unless notice of appeal is filed with the city clerk within 10 days of receipt of notice of imposition of an administrative sanction, said sanction is deemed to be final.

Section 5. This ordinance shall take effect and be in force five (5) days after passage and legal publication.

Passed by the City Council this 6th day of December, 2004,
and signed in authentication of its passage this 6th day of December,
2004.

(SEAL)

Connie B. Marshall
Connie B. Marshall, Mayor

Approved as to form:

Lori M. Riordan, Acting City Attorney


Stina D. Windsor, Assistant City Attorney

Attest:

Myrna L. Basich
Myrna L. Basich, City Clerk

Published December 10, 2004